REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the supplemental examiner's answer of March 31, 2009. Applicants request prosecution be reopened and have made amendments to the claims relevant to the issues set forth in the remand and raised in the supplemental examiner's answer.

Claim 4 has been amended to independent form by including the limitations of independent claim 1, as well as the limitations of dependent claims 5 and 6. Claim 15 has been amended to independent form by including the limitations of independent claim 1. Claim 20 has been amended to independent form by including the limitations of independent claim 1. Independent claims 1 and 25 and dependent claims 5, 6, 26 and 27 have been canceled. New claims 32-36 have been added. Claims 2-4, 7-24, and 28-36 remain in this application.

Reconsideration of the Application is requested.

The Office Action

The Examiner rejected claims 1-27 under 35 U.S.C. 101 as not falling under one of the four statutory categories of invention. Independent claims 4, 15 and 20 were amended to recite "A method of halftoning by an image processing unit (IPU)…" Support of these amendments can be found on pages 17 and 18 of the specification as filed and Fig. 13, as well as pages 6-16. Independent claims 4, 15 and 20 as amended are tied to a particular apparatus, that of an IPU, which is an image processing apparatus that is well known in the art. Therefore, independent claims 4, 15, and 20, as well as the claims depending therefrom, are a process tied to another statutory category, that of an IPU apparatus, and thus fall under the patentable subject matter recited in 35 U.S.C. §101. Further, these claims do not fall under the judicial exceptions, such as an abstract idea, since the claimed methods of halftoning produce tangible results by setting forth a practical application, that being the generation of halftoned images suitable for multi-pass printing.

Applicants maintain that the pending independent claims 4, 15, 20, and 28, as well as the claims depending therefrom, patentably distinguish over the cited references for the same reasons as stated in the Appeal Brief.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 2-4, 7-24, and 28-36) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒   Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	30	- 31 =	0
INDEPENDENT CLAIMS	4	- 3 =	1

☒   This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.
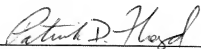
☒   The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

May 27, 2009
Date

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Date: May 27, 2009	Name: Roseanne Giuliani

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